

IN THE CLAIMS

1. (previously amended)

A mouthguard for use by athletes in competition and the like, comprising:

a first outer portion having a teeth engaging shape made from a material having a freezing point of less than 130°F such that it is capable of conforming to the user's teeth after warming, said first portion being formed into a tray having a generally U-shape, said first portion having a tab extending out from the tray, said tray having a plurality of holes therein;

a second inner portion formed on said first portion such that part of said second portion extends through said plurality of holes in said first portion to lock the two portions together, said second portion being formed from a gel material having sufficient softness to protect the user from damage during use in said athletic competition by producing a cushioning effect when compressed upon contact on the user during use.

2. (original)

The mouthguard of claim 1, wherein said first portion is formed from a thermoplastic material.

3. (original)

The mouthguard of claim 2, wherein said thermoplastic material is an ethylene vinyl acetate copolymer.

4. (original)

The mouthguard of claim 3, wherein said ethylene vinyl acetate copolymer has a freezing temperature of about 98.6 °F.

5. (original)

The mouthguard of claim 4, wherein said second portion is formed from a gel selected from the group consisting of styrene block copolymers and thermoplastic polyurethanes.

6. (original)

The mouthguard of claim 4, wherein said gel is a styrene block copolymer.

7. (previously amended)

A mouthguard for use by athletes in competition and the like, comprising:

first outer portion means for engaging teeth and made from a material having a freezing point of less than 130°F such that it is capable of conforming to the user's teeth after warming, said first portion means being formed into a tray having a generally U-shape, said first portion means having a tab extending out from the tray, said tray having a plurality of holes therein;

second inner portion means for providing a cushion and formed on said first portion means such that part of said second portion means extends through said plurality of holes in said first portion means to lock the two portion means s together, said second portion means being formed from a gel material having sufficient softness to protect the user from damage during use in said athletic competition by producing a cushioning effect when compressed upon contact on the user during use.

8. (original)

The mouthguard of claim 7, wherein said first portion means is formed from a thermoplastic material.

9. (original)

The mouthguard of claim 8, wherein said thermoplastic material is an ethylene vinyl acetate copolymer.

10. (original)

The mouthguard of claim 9, wherein said ethylene vinyl acetate copolymer has a freezing temperature of about 98.6 °F.

11. (original)

The mouthguard of claim 10, wherein said second portion means is formed from a gel selected from the group consisting of styrene block copolymers and thermoplastic polyurethanes.

12. (original)

The mouthguard of claim 11, wherein said gel is a styrene block copolymer.

13. (previously amended)

A mouthguard for use by athletes in competition and the like, comprising:

a first outer portion formed from a ethylene vinyl acetate copolymer material and having a teeth engaging shape and having a freezing point of less than 130°F such that it is capable of conforming to the user's teeth after warming, said first portion being formed into a tray having a generally U-shape, said first portion having a tab extending out from the tray, said tray having a plurality of holes therein;

a second inner portion formed from a block styrene copolymer and mounted on said first portion such that part of said second portion extends through said plurality of holes in said first portion to lock the two portions together, said second portion being formed from a gel material having sufficient softness to protect the user from damage during use in said athletic competition by producing a cushioning effect when compressed upon contact on the user during use.

14. (original)

The mouthguard of claim 13, wherein said ethylene vinyl acetate copolymer has a freezing temperature of about 98.6 °F.